

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Kim	Team: Squad #06	CCRB Case #: 202103150	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/23/2021 9:30 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 11/23/2022	Precinct: 66		
Date/Time CV Reported Tue, 05/25/2021 8:06 AM	CV Reported At: Other City agency	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 05/25/2021 8:06 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Carlyle Jeanjoseph	07880	960728	DB CEIS
2. SGT Veronika Folvasky	04322	952740	066 PCT
3. PO Olga Berkovich	07979	963400	066 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Cody Bedford	04942	968960	066 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph damaged § 87(2)(b) property.	§ 87(2)(g), § 87(4-b)
B.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph entered § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
C.SGT Veronika Folvasky	Abuse: Sergeant Veronika Folvasky participated in the damage of § 87(2)(b) property.	§ 87(2)(g), § 87(4-b)
D.SGT Veronika Folvasky	Abuse: Sergeant Veronika Folvasky participated in the entry at § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
E.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph threatened § 87(2)(b) with the use of force.	§ 87(2)(g), § 87(4-b)
F.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph sexually humiliated § 87(2)(b) through failure to cover.	§ 87(2)(g), § 87(4-b)
G.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
H.SGT Veronika Folvasky	Abuse: Sergeant Veronika Folvasky participated in the forcible removal of § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
I.SGT Veronika Folvasky	Abuse: Sergeant Veronika Folvasky failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
J.PO Olga Berkovich	Abuse: Police Officer Olga Berkovich failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On May 24, 2021, § 87(2)(b) called 311 to report this complaint. On May 25, 2021, 311 report § 87(2)(b) was received at the CCRB via email.

On May 23, 2021, between approximately 9:30 p.m. and 10:00 p.m., § 87(2)(b) was home at § 87(2)(b) in Brooklyn when he heard the bell ringing repeatedly. When § 87(2)(b) opened the door, Police Officer Carlyle Jeanjoseph of the 66th Precinct immediately entered the house and started knocking on the door of the § 87(2)(b) floor residence, where § 87(2)(b) son, § 87(2)(b) lived. Police Officer Cody Bedford, Police Officer Olga Berkovich, and Sergeant Veronika Folvarsky of the 66th Precinct stood behind PO Jeanjoseph. § 87(2)(b) opened the door slightly, and then tried to push the door closed again. PO Jeanjoseph kicked the door repeatedly to break it open, damaging the door and the wall (**Allegations A and B—Abuse of Authority**, § 87(2)(g)). Sgt. Folvarsky was present as a supervisor during this portion of the incident and allegedly participated in these actions (**Allegations C and D—Abuse of Authority**, § 87(2)(g)). While PO Jeanjoseph kicked the door open, he pointed his taser in the opening of the door and yelled that he was going to taser § 87(2)(b) (**Allegation E—Abuse of Authority**, § 87(2)(g)). § 87(2)(b) repeatedly asked the officers to allow him to get dressed because there were female officers, but he was not allowed to get dressed for a period of time (**Allegation F—Abuse of Authority**, § 87(2)(g)). PO Jeanjoseph forcibly removed § 87(2)(b) to the hospital, and Sgt. Folvarsky participated in this removal (**Allegations G and H—Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked PO Berkovich and Sgt. Folvarsky for their business cards as they walked past him out the apartment, and they allegedly did not respond (**Allegations I and J—Abuse of Authority**, § 87(2)(g), § 87(4-b)).
§ 87(2)(b) was removed to § 87(2)(b) Hospital, § 87(2)(b). No arrests or summonses resulted from this incident.

Four BWC videos were obtained of this incident (**BR 01-04**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Carlyle Jeanjoseph damaged § 87(2)(b) property.

Allegation (B) Abuse of Authority: Police Officer Carlyle Jeanjoseph entered § 87(2)(b) in Brooklyn.

Between the 1:05 and 6:25 mark in PO Bedford's BWC (**BR 01**), PO Bedford rings the doorbell and knocks on the window closest to the front door. PO Bedford informs PO Jeanjoseph that he responded to a call to the same location the previous night, but did not state the outcome of that job. At the 6:25 mark, PO Bedford asks, "If he doesn't [come out], do we have to take the door?" PO Jeanjoseph responds that § 87(2)(b) is not violent or suicidal and they should speak with the sergeant. At the 6:45 mark, § 87(2)(b) opens the front door. PO Bedford states they want to see § 87(2)(b) and § 87(2)(b) gestures into the building. The officers enter. PO Bedford asks if § 87(2)(b) was the one who called, and he responds no. PO Bedford and PO Jeanjoseph ask if § 87(2)(b) has mental issues and if he is on medication, and § 87(2)(b) says that "he's off tonight." PO Jeanjoseph asks if § 87(2)(b) is home, and § 87(2)(b) states yes, and he is the one setting off the alarm. PO Jeanjoseph knocks and tells § 87(2)(b) to come to the door. At the 7:22 mark, § 87(2)(b) opens the door, wearing a towel around his waist. § 87(2)(b) states that "it's the people in the backyard." There is a dog behind him, and PO Jeanjoseph asks § 87(2)(b) to send it away, and he does. § 87(2)(b)

§ 87(2)(b) states that he will be back and closes the door. PO Jeanjoseph immediately charges into the door multiple times, but § 87(2)(b) pushes it back closed. At the 7:50 mark, PO Jeanjoseph states that he is going to break the door and he wants to see § 87(2)(b) hands. PO Jeanjoseph pulls back and kicks forward into the door three times, when the door comes completely loose from the hinges.

At the 8:55 mark in PO Jeanjoseph's BWC (**BR 02**), § 87(2)(b) turns on the bedroom light and asks PO Jeanjoseph why he did what he did [broke down the door], and PO Jeanjoseph responded that § 87(2)(b) closed the door on them. § 87(2)(b) responds that he closed the door because he was naked. PO Jeanjoseph tells § 87(2)(b) to get dressed and states, "You don't close the door on me, okay?"

§ 87(2)(b) testified (**BR 05**) that on May 23, 2021, between approximately 9:30 p.m. and 10:00 p.m., § 87(2)(b) was home at § 87(2)(b) in Brooklyn when he heard the bell ringing repeatedly. § 87(2)(b) is a private two-family home. § 87(2)(b) opened the main door of the house, which leads to locked § 87(2)(b) floor and § 87(2)(b) floor apartments. When § 87(2)(b) opened the door, PO Jeanjoseph immediately entered the hallway and started knocking on § 87(2)(b) door. PO Jeanjoseph informed § 87(2)(b) that they were responding to a 911 call regarding a "disturbed" person. § 87(2)(b) is familiar with these calls. § 87(2)(b) has a mental disorder, and he has a pattern of setting off his house alarms if he senses a threat outside his home. § 87(2)(b) believed that a neighbor called 911 to complain about the alarm, because she does so often. § 87(2)(b) could not see or hear everything that was going on because his view was blocked. However, § 87(2)(b) saw § 87(2)(b) door open slightly, and then § 87(2)(b) tried to push the door closed again. § 87(2)(b) believed this may have been because the latch was on, and he needed to push the door closed to release the latch. § 87(2)(b) had just gotten out of the shower and had just a towel, so he asked the officers to wait while he got dressed. PO Jeanjoseph kicked the door repeatedly to break it open, even though § 87(2)(b) told him that he could help him enter the apartment. The door hinges were broken such that the door could not be closed again. The door opens into a small alcove with a wall right next to the door, which sustained damage as well. There was damage to the wall, the wall frame, and scratches in the paint.

A statement was not obtained from § 87(2)(b) because he was uncooperative with the investigation.

PO Jeanjoseph testified (**BR 06**) that he and PO Bedford were dispatched to § 87(2)(b) for a 911 job by an unknown caller reporting that an EDP kept setting the house alarm off. PO Jeanjoseph did not remember if the EDP was described as violent or having any weapons. PO Jeanjoseph did not know the relationship between the caller and the EDP. PO Jeanjoseph was unable to verify if the 911 caller was credible, and he did not know if Central Dispatch provided an EDP history. Upon arrival, two EMTs and an ambulance were already on scene, and a supervising unit was automatically dispatched and en route. Sgt. Folvarsky and PO Berkovich arrived possibly five minutes later, but PO Jeanjoseph did not remember if they arrived before or after he and PO Bedford gained entry into the house. PO Jeanjoseph and PO Bedford went to the front door of the residence and knocked and rang the bell. While they waited, there were no lights or sounds in the residence. PO Jeanjoseph had not been to the location before, but PO Bedford informed PO Jeanjoseph that he had received previous 911 calls to this location for similar reasons, but he did not provide any specifics. PO Jeanjoseph did not remember if PO Bedford mentioned that § 87(2)(b) had a violent history or if he knew about § 87(2)(b) mental health conditions, or how the previous 911 calls had been resolved. After reviewing BWC, PO Jeanjoseph acknowledged that he told PO Bedford that § 87(2)(b) was not violent or suicidal, and that they should

§ 87(2)(b) speak with a sergeant if it became an issue. PO Jeanjoseph did not believe, at this point, that it was necessary to take the door, because they could not confirm someone was even home or if they were an EDP. § 87(2)(b) opened the door and confirmed that his son was “acting up.” It did not seem to PO Jeanjoseph that there was an emergency at hand, or an urgent tone to § 87(2)(b) statements. PO Jeanjoseph asked § 87(2)(b) if § 87(2)(b) was emotionally disturbed or had a psychiatric history, and he responded yes but did not provide any additional specifics about the history. § 87(2)(b) confirmed that § 87(2)(b) was on medication, but PO Jeanjoseph did not know what the medications were for, or for how long § 87(2)(b) had been off the medications. The alarm went off after the officers entered the house. PO Jeanjoseph did not know if it was a security or fire alarm. PO Jeanjoseph did not remember if § 87(2)(b) said that § 87(2)(b) had set off the alarm. PO Jeanjoseph’s understanding was that § 87(2)(b) needed to be evaluated or to get back on his medication due to the abnormal behavior of setting off the alarm, but he did not have any additional reasons to suspect that § 87(2)(b) was a threat to himself or others. § 87(2)(b) pointed the officers toward § 87(2)(b) door. PO Jeanjoseph knocked on the door and did not hear anything in the apartment while he knocked and waited for a short time. § 87(2)(b) opened the door halfway, and PO Jeanjoseph was able to see that § 87(2)(b) wore a towel around his waist and did not remember observing anything suspicious, such as bulges, on § 87(2)(b) person. PO Jeanjoseph did not observe any indications that there may be a weapon in the apartment, but he did not know if there were weapons. § 87(2)(b) did not seem to want to interact with the officers but was calm, coherent, did not appear to be in distress, and did not make any threatening statements. § 87(2)(b) asked for two minutes to get dressed and, without warning, closed the door. At this point, a decision had not yet been made if § 87(2)(b) had to be removed to the hospital. § 87(2)(b) initial attempt to close the door was not violent or forceful, but once PO Jeanjoseph attempted to keep it open by propping it with his foot, it rose to a struggle between himself and § 87(2)(b). § 87(2)(b) became more forceful as he attempted to close the door which PO Jeanjoseph was trying to keep open. Once PO Jeanjoseph realized that § 87(2)(b) was being violent, he believed that there was a risk that § 87(2)(b) could try to escape or confine himself and not return to the door. PO Jeanjoseph was worried that § 87(2)(b) would hurt himself, but did not have any specific concerns other than that he did not want to talk to the officers, and that § 87(2)(b) confirmed that § 87(2)(b) was “acting erratically.” § 87(2)(b) did manage to close the door after a couple seconds. When § 87(2)(b) successfully shut the door, PO Jeanjoseph kicked the door more than once to break it down. PO Jeanjoseph did not have any additional reasons for kicking the door open. The issue was not that § 87(2)(b) was not allowed to get dressed, but that § 87(2)(b) was an EDP, as confirmed by § 87(2)(b) and that he forcibly closed the door, which led PO Jeanjoseph to be concerned that he would not come back to the door again. PO Jeanjoseph successfully kicked the door open and entered the apartment.

PO Jeanjoseph has a memo book entry (**BR 07**) at 9:39 p.m. for a 911 call for an EDP inside § 87(2)(b) in Brooklyn, which was closed as 10-93Q (other report prepared – no arrest) and 10-97H (patient removed to hospital). The comments were: “Upon responding to a 10-54 call of an EDP, reporting/responding officer did break a door open causing damage to door when EDP answered door then violently closed door on officers. EDP was removed to hospital for psychological evaluation. No injuries to MOS or other parties. City involved form prepared.” In the 911 Audio (**BR 08**) for Event § 87(2)(b) an anonymous female caller reports a “mentally disturbed kid” at § 87(2)(b) who keeps setting off the house alarm. She states that the father lives on the § 87(2)(b) floor, and the “kid” lives on the § 87(2)(b) floor. The female caller states that she does not think the EDP is violent, but she does not know. There were no AIDED reports prepared for this incident (**BR 09**).

An emotionally disturbed person is defined as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, Patrol Guide Procedure 221-13 (BR 10). The emergency doctrine is comprised of three elements: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched, People v. Doll 21 N.Y.3d 665 (2013) (BR 11).

It is undisputed that officers responded to a 911 call regarding an EDP, and that upon arrival, § 87(2)(b) opened the front door. PO Jeanjoseph entered the house and approached the first-floor apartment, where § 87(2)(b) the EDP, lived. Up to this point, it was established that the unverified and unidentified 911 caller stated that § 87(2)(b) was “mentally disturbed” and nonviolent, and her complaint was that he kept setting off the house alarm. Although Central Dispatch sent this over as an EDP job due to the description of § 87(2)(b) as “mentally disturbed,” the report did not state that he was behaving in a manner which was likely to result in serious injury to himself or others, as defined by Patrol Guide Procedure 221-13. PO Jeanjoseph also acknowledged that he told PO Bedford that § 87(2)(b) was not violent or suicidal. BWC shows that § 87(2)(b) provided minimal confirmation that § 87(2)(b) was on medication but might not have taken it that day, and that he was setting off the alarm. However, § 87(2)(b) did not raise any concerns for the safety of § 87(2)(b) or others. Moreover, PO Jeanjoseph testified that he had no immediate concerns or a belief that there was an immediate need for his assistance when § 87(2)(b) came to the door, only wearing a towel. § 87(2)(b) specifically requested time to change before he shut the door. § 87(2)(g)

§ 87(2)(b) The concerns that PO Jeanjoseph had were because he did not know what could potentially happen, such as § 87(2)(b) refusing to return to the door, but not based on empirical facts, § 87(2)(g). Although the alarm went off and PO Jeanjoseph was not familiar with the location, his concern that there was another individual and/or weapons in the apartment was not founded on empirical facts either. EMS was at the location and did have to evaluate § 87(2)(b) so there might have been an issue if § 87(2)(b) did not return to the door, but PO Jeanjoseph did not wait to see what § 87(2)(b) would do after he closed the door to get dressed, and instead immediately struggled to keep the door open and ultimately broke down the door when it was closed.

§ 87(2)(g)

Allegation (C) Abuse of Authority: Sergeant Veronika Folvarsky participated in the entry at § 87(2)(b) in Brooklyn.

Allegation (D) Abuse of Authority: Sergeant Veronika Folvarsky participated in the damage of § 87(2)(b) property.

At the 1:00 mark in Sgt. Folvarsky’s BWC (BR 03), she follows PO Bedford and PO Jeanjoseph into the building. § 87(2)(b) opens the door. At the 1:50 mark, § 87(2)(b) closes the door and PO Jeanjoseph immediately starts to kick down the door. PO Bedford stands between PO Jeanjoseph and Sgt. Folvarsky while this is going on. At the 2:20 mark, PO Jeanjoseph steps into

the apartment. § 87(2)(b) yells out, “Stop it, I’m naked.”

Sgt. Folvasky testified that she did not remember what additional details the 911 call included. The call stated that it was a nonviolent EDP, but unknown weapons at location. Sgt. Folvasky did not remember if the 911 call requested a removal to hospital, or if it was stated that the EDP was a threat to himself. On the way to the location, Sgt. Folvasky looked up the location and saw that there was an extensive 911 history with calls regarding an EDP, including those for which he was removed to the hospital. Sgt. Folvasky did not remember how many calls she saw in the history. Sgt. Folvasky saw one previous job in 2020 during which the EDP had barricaded himself, requiring ESU to respond and remove the EDP from the apartment. Sgt. Folvasky also viewed an AIDED card from 2020 which stated that he had not been taking his medication for schizophrenia. Sgt. Folvasky had never been to the location herself. While PO Jeanjoseph and PO Bedford approached the door to § 87(2)(b) apartment and knocked, she stood behind them and tried to get more information from § 87(2)(b). Sgt. Folvasky was unable to hear the officers’ conversation/dispute with § 87(2)(b) because she was talking to § 87(2)(b) and could not explain why there was a dispute if § 87(2)(b) did open the door. Sgt. Folvasky did not know what kind of alarm it was, but § 87(2)(b) stated that it was a house alarm. § 87(2)(b) did not state how it was set off, or that § 87(2)(b) had set it off. Sgt. Folvasky could not observe what § 87(2)(b) demeanor was like, or if there was an emergency that required immediate removal to the hospital. Sgt. Folvasky had not observed much up to this point, including whether § 87(2)(b) had weapons, but believed that her officers had a reason for taking the door down. Sgt. Folvasky could not determine if an entry was required because she did not see what her officers saw. A commotion occurred at the apartment door involving a verbal dispute between § 87(2)(b) and the officers, who were telling him to open the door. From her peripheral vision, Sgt. Folvasky could see that § 87(2)(b) had opened the door, but did not see him or if he was naked or wearing a towel. After the commotion, Sgt. Folvasky saw that the apartment door was kicked down completely off the hinges, and § 87(2)(b) screamed that he was naked.

Sgt. Folvasky’s BWC confirms that she did not do anything to intervene when PO Jeanjoseph kicked down § 87(2)(b) door and entered the apartment. However, she explained that she did have some concerns about the alarm that went off when the officers were in the house, and that § 87(2)(b) did not know if § 87(2)(b) had been taking his medications. Sgt. Folvasky stated that because she did not see what PO Jeanjoseph saw, because she stood behind him in the hallway, she trusted that PO Jeanjoseph had a reason for breaking down the door.

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Carlyle Jeanjoseph threatened § 87(2)(b) with the use of force.

At the 7:46 mark in PO Jeanjoseph’s BWC, PO Jeanjoseph yells at § 87(2)(b) to step back, takes out his taser with the warning laser visible, and yells that he has a taser. At the 7:50 mark, PO Jeanjoseph states that he is going to break the door and he wants to see § 87(2)(b) hands.

§ 87(2)(b) testified that while PO Jeanjoseph kicked the door open, he put his taser in the opening of the door as he verbally threatened to taser § 87(2)(b) at least five times. Once PO Jeanjoseph broke the door in, he holstered his taser as he entered the apartment. PO Berkovich

and Sgt. Folvarsky followed in with EMS.

PO Jeanjoseph testified that he unholstered his taser after seeing that § 87(2)(b) was violent during the struggle with the door, to ensure his safety and the safety of the others. After reviewing BWC, PO Jeanjoseph acknowledged that he unholstered his taser during the struggle with the door. PO Jeanjoseph did not remember how he held the taser when he unholstered it. PO Jeanjoseph did not remember if he pointed it at § 87(2)(b). PO Jeanjoseph told § 87(2)(b) not to reach into drawers because he kept distancing himself with PO Jeanjoseph and PO Jeanjoseph used verbal warnings along with having his taser in his hand to warn § 87(2)(b) that if he was not compliant, he would be tasered. There were no other reasons for having his taser out. PO Jeanjoseph did not remember when he holstered his taser again.

A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present, Patrol Guide Procedure 221-08 (BR 12).

As previously established, the officers did not have sufficient justification to force their entry into the apartment or prevent § 87(2)(b) from shutting the door, which he had the right to do. Although § 87(2)(b) used some level of force to shut the door, he was not at risk of physically injuring himself or others, and PO Jeanjoseph was not justified in using force or threatening the use of force in order to forcibly enter the apartment by standards outlined in Patrol Guide Procedure 221-08.

§ 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Carlve Jeanjoseph sexually humiliated § 87(2)(b) through failure to cover.

At the 8:10 mark in PO Bedford's BWC, PO Bedford moves the door slightly and enters the apartment behind PO Jeanjoseph. At the 8:15 mark, it appears that § 87(2)(b) towel comes loose, and he is completely naked, with nothing covering his genitals. § 87(2)(b) asks if he can get dressed. At the 8:18 mark, PO Jeanjoseph grabs § 87(2)(b) wrist with one hand and hands his taser to PO Bedford. § 87(2)(b) continues to ask if he can get dressed, states that he is embarrassed and that there are women entering the apartment (referring to the female officer and female sergeant). At the 8:30 mark, PO Bedford follows PO Jeanjoseph and § 87(2)(b) into a room. PO Jeanjoseph still has a grip on § 87(2)(b) arm. At the 8:45 mark, PO Jeanjoseph hands § 87(2)(b) his towel and allows him to wrap it around his waist again.

At the 8:03 mark in PO Jeanjoseph's BWC, PO Jeanjoseph steps into the apartment. § 87(2)(b) holds his towel open and yells out, "Stop it, I'm naked," and wraps it back around his waist as PO Jeanjoseph tells him to put his hands up. § 87(2)(b) raises his hands, holding the towel in one hand. § 87(2)(b) asks PO Jeanjoseph to stop and asks if he can get dressed and states that there are women, referring to PO Berkovich and Sgt. Folvarsky. PO Jeanjoseph grabs § 87(2)(b) right arm. At the 8:34 mark, PO Jeanjoseph grabs onto § 87(2)(b) right hand and states, "Listen, you're not going anywhere." § 87(2)(b) asks if he can get dressed again. At the 8:46 mark, PO Jeanjoseph states, "Alright, let's go."

At the 8:30 mark in PO Bedford's BWC, PO Bedford follows PO Jeanjoseph and § 87(2)(b)

into a room. PO Jeanjoseph still has a grip on § 87(2)(b) arm. At the 8:45 mark, PO Jeanjoseph hands § 87(2)(b) his towel and allows him to wrap it around his waist again.

§ 87(2)(b) testified that § 87(2)(b) repeatedly asked the officers to allow him to get dressed because there were female officers. The officers finally allowed to § 87(2)(b) to get dressed after multiple requests.

PO Jeanjoseph testified that when he gained entry into the apartment, § 87(2)(b) stood approximately 20 feet away from PO Jeanjoseph, still wearing the towel. § 87(2)(b) then removed the towel and screamed that he was naked. PO Jeanjoseph ordered § 87(2)(b) to keep his hands where he could see them. PO Jeanjoseph guided § 87(2)(b) to the bedroom to get dressed. § 87(2)(b) demeanor calmed down again in the apartment. PO Jeanjoseph kept an eye on § 87(2)(b) and attempted to control his movements by telling him when he could open drawers and when he could reach in, due to safety concerns. § 87(2)(b) was completely naked for seconds because he had voluntarily taken off his towel. PO Jeanjoseph did not remember if § 87(2)(b) put the towel back on between taking it off in the hallway and putting clothes on in the bedroom. PO Jeanjoseph did not prevent § 87(2)(b) from putting clothes on or covering himself. PO Jeanjoseph helped § 87(2)(b) find clothes by looking at the clothing that was out in plain view. After reviewing BWC, PO Jeanjoseph stated that he remembered helping § 87(2)(b) put the towel back on. PO Jeanjoseph told § 87(2)(b) “You’re not going anywhere,” because he did not want § 87(2)(b) to go anywhere in the apartment on his own due to safety concerns. PO Jeanjoseph explained that he grabbed § 87(2)(b) to move him out of the hallway, out of the field of vision of the female officers, toward the room where he could get dressed, not to prevent him from going into the other room.

Sgt. Folvarsky testified that she did not see § 87(2)(b) and did not see if he was naked, but he stated that he was naked. Sgt. Folvarsky told § 87(2)(b) to put his clothes on, and PO Jeanjoseph and PO Bedford took § 87(2)(b) into a room where he dressed. PO Berkovich and Sgt. Folvarsky stayed back to protect his privacy. There was no one else in the apartment. Sgt. Folvarsky finally saw § 87(2)(b) after he was dressed.

The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect, while efficiently rendering police services and enforcing the laws impartially, by fighting crime both through deterrence and the relentless pursuit of criminals. Value human life, respect the dignity of each individual and render our services with courtesy and civility, Patrol Guide Procedure 200-02 (BR 13).

Although PO Jeanjoseph testified that he helped § 87(2)(b) cover himself and moved him into the room so he could get dressed, BWC shows that § 87(2)(b) used the hand that PO Jeanjoseph was not holding onto to cover himself with his towel. Approximately 30 to 40 seconds elapsed between the time when PO Jeanjoseph enters and tells § 87(2)(b) to put his hands up even though he is holding his towel with one hand, and when he states, “Alright let’s go,” and allows § 87(2)(b) to enter the bedroom. During this time, PO Jeanjoseph did move § 87(2)(b) out of the line of vision of the female officers on scene, but held onto § 87(2)(b). PO Jeanjoseph explained that he told § 87(2)(b) “You’re not going anywhere,” because he did not want him to enter the room and look through drawers without his supervision, but it was already established that PO Jeanjoseph had no specific reasons for suspecting that § 87(2)(b) had weapons on scene. By delaying § 87(2)(b) from being able to dress himself, PO Jeanjoseph demonstrated a lack of respect toward him § 87(2)(g).

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Carlyle Jeanjoseph forcibly removed § 87(2)(b) to the hospital.

Allegation (H) Abuse of Authority: Sergeant Veronika Folvasky participated in the forcible removal of § 87(2)(b) to the hospital.

At the 9:08 mark in PO Bedford's BWC, PO Jeanjoseph states, "You know what's going to happen right? You're going to the hospital." § 87(2)(b) asks what he's being taken to the hospital for, and PO Jeanjoseph responds, "For mental." PO Jeanjoseph and PO Bedford are the only ones in the room.

At the 12:30 mark in PO Jeanjoseph's BWC, as § 87(2)(b) exits the house, § 87(2)(b) tells him that he needs to "get [his] medication right." At the 12:54 mark, an EMT tells § 87(2)(b) that he needs to get his medication fixed.

At the 3:40 mark in Sgt. Folvasky's BWC, EMS has a conversation with § 87(2)(b) about why the officers had to break down the door. At the 4:30 mark, Sgt. Folvasky leaves § 87(2)(b) and EMS in the hallway. They continue to speak, but Sgt. Folvasky's camera does not pick up any conversation about removing § 87(2)(b) to the hospital. At the 5:20 mark, the EMTs walk away from § 87(2)(b) toward the living room door.

§ 87(2)(b) testified that § 87(2)(b) was removed to § 87(2)(b) Hospital, and he returned home within an hour and a half.

Statements were not obtained from EMS because the investigation was able to come to an affirmative finding without them.

When Sgt. Folvasky observed § 87(2)(b) he was distressed, and she could see that he had not taken medication because "he was not himself," and he paced back and forth. Sgt. Folvasky was able to tell that § 87(2)(b) was distressed because of her previous experiences with EDPs. Sgt. Folvasky did not have any conversation with § 87(2)(b) about his medication, but PO Jeanjoseph likely did when he was in the room with him. Sgt. Folvasky stated that when an EDP is confirmed not to have taken their medication, EMS removes them to the hospital for assessment. Because § 87(2)(b) had a history of schizophrenia and had been off his medication, it was decided that he would be removed to the hospital. EMS and police made the decision together to have § 87(2)(b) removed to the hospital. EMS told § 87(2)(b) that since § 87(2)(b) was off his medication, they would need to remove him to the hospital. § 87(2)(b) voluntarily left the house to the ambulance. § 87(2)(b) was compliant and did not need to be restrained.

PO Jeanjoseph testified that he did not remember specifically who made the decision to remove § 87(2)(b) to the hospital, because he did not know if EMS spoke with § 87(2)(b). PO Jeanjoseph was not sure if PO Bedford prepared the AIDED card, but PO Jeanjoseph likely directed him to since PO Bedford had recently joined the force. PO Jeanjoseph did not remember having any conversation with or receiving any orders from Sgt. Folvasky prior to § 87(2)(b) entering the ambulance. PO Jeanjoseph escorted § 87(2)(b) out to the ambulance, and he was removed to § 87(2)(b) Hospital. PO Jeanjoseph did not restrain § 87(2)(b) because he walked willingly to the ambulance. § 87(2)(b) told the officers that § 87(2)(b)

§ 87(2)(b) should go to the hospital because he was off his medication. When the officers escorted § 87(2)(b) out to the ambulance, § 87(2)(b) told § 87(2)(b) that he had to take his medication. PO Jeanjoseph did not remember if § 87(2)(b) physically or verbally refused to go to the ambulance. PO Jeanjoseph did not escort § 87(2)(b) to the hospital.

An emotionally disturbed person is defined as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, Patrol Guide Procedure 221-13 (BR 10).

As stated earlier, although § 87(2)(b) was described as “mentally disturbed” by the 911 caller, and officers knew that he had a mental health history, there were no specific indications during this incident that § 87(2)(b) was a threat to himself or others. Moreover, the primary reason the caller reported this incident was that § 87(2)(b) caused a noise disturbance by setting off the alarm, which is not indicative in itself that he would cause serious injury to himself or others. Although Sgt. Folvarsky had learned of the previous jobs involving the barricaded EDP and schizophrenia, these occurred in 2020. Although Sgt. Folvarsky testified that EMS told § 87(2)(b) that they had to remove § 87(2)(b) to the hospital, this is not captured on BWC. § 87(2)(b) only became combative when PO Jeanjoseph struggled to keep the door open, and subsequently calmed down and remained compliant, which PO Jeanjoseph acknowledged. EMS did not assess § 87(2)(b) inside the apartment after gaining entry, or before it was decided that he would be removed to the hospital. BWC captures the entire incident, and confirms that there were no conversations between § 87(2)(b) police officers, and EMS regarding the decision to remove § 87(2)(b) to the ambulance, and EMS does not evaluate § 87(2)(b) prior to removing him to the hospital. After PO Jeanjoseph tells § 87(2)(b) that he is going to the hospital, PO Jeanjoseph tells him to pack things that he needs, such as his ID. BWC also shows that § 87(2)(b) repeatedly asked why he had to go to the hospital, and PO Jeanjoseph, PO Bedford, and afterward, EMS, responded that it was because he was off his medication. However, EMS did not have any conversation with § 87(2)(b) until he approached the ambulance to get in. The mere possibility that § 87(2)(b) had not taken his medication was insufficient to conclude that he should be removed to the hospital, given the absence of other signs and symptoms that he was mentally ill. No one asked what § 87(2)(b) medication was for or how long he had been off the medication if at all, and it had already been established that he was not behaving in a way that was likely to result in serious injury to himself or others. Although EMS did not actively disagree with the officers’ decision to remove § 87(2)(b) to the hospital, they were also not directly involved in the officers’ decision-making as PO Jeanjoseph made this decision prior to their interaction with § 87(2)(b).

§ 87(2)(g)

Allegation (I) Abuse of Authority: Sergeant Veronika Folvarsky failed to provide § 87(2)(b) with a business card.
Allegation (J) Abuse of Authority: Police Officer Olga Berkovich failed to provide § 87(2)(b) with a business card.

BWC does not capture this portion of the incident.

§ 87(2)(b) testified that he asked PO Berkovich and Sgt. Folvarsky for their business cards as

they walked past him out the apartment. PO Berkovich and Sgt. Folvasky did not respond, as if § 87(2)(b) did not ask them anything.

Sgt. Folvasky testified that § 87(2)(b) did not request her business card, name, or shield number. Sgt. Folvasky had given her last business cards out for the assault job, so she did not have any business cards with her. Sgt. Folvasky did not provide her name or shield number in lieu of the business card because she was not asked for them. Sgt. Folvasky believed that PO Berkovich did not provide her name, shield number, or business card to § 87(2)(b).

PO Berkovich testified that she did not remember if § 87(2)(b) asked her for her business card, name, or shield number. PO Berkovich did not remember if she provided § 87(2)(b) with a business card, or if she was carrying business cards at the time. PO Berkovich did not know if Sgt. Folvasky provided her business card to § 87(2)(b).

PO Jeanjoseph testified that he did not remember if § 87(2)(b) asked PO Berkovich and Sgt. Folvasky for their business cards, or if PO Berkovich and Sgt. Folvasky provided their business cards to § 87(2)(b).

Sgt. Folvasky testified that she was not asked for a business card or identifying information, and PO Berkovich did not remember being asked for a business card. Sgt. Folvasky testified that neither she nor PO Berkovich provided their information to § 87(2)(b) and PO Berkovich testified that she did not remember. Sgt. Folvasky additionally confirmed that she had run out of business cards at the time. § 87(2)(g)

Additionally, this was not an incident in which officers would have been required to offer their business cards.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 15).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 16).
- PO Jeanjoseph has been a member-of-service for six years and has been a subject in one CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

§ 87(2)(g)

- Sgt. Folvasky has been a member-of-service for nine years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Berkovich has been a member-of-service for five years and has been a subject in one CCRB complaints and one allegation, none of which were substantiated. Case #202101347 is pending investigation. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 24, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**BR 17**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 6

Investigator:	<u>Lily Kim</u> Signature	<u>Investigator Lily Kim</u> Print Title & Name	<u>7/6/2022</u> Date
Squad Leader:	<u>Jessica Peña</u> Signature	<u>IM Jessica Peña</u> Print Title & Name	<u>7/25/2022</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date